

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

United States of America,) CRIMINAL NO. 3:08-590-CMC
)
)
 v.) **OPINION and ORDER**
)
)
Elsa G. Montecinos,)
)
 Defendant.)
)
_____)

This matter is before the court on Defendant's *pro se* "Notice of Motion for Continuation." ECF No. 1379. Defendant seeks "a continuation for 30 days from the day you file this motion to the U.S. Court of Appeals for the Fourth Circuit from the final judgement [sic] by the District Court entered in the above action September 14, 2012." Mot. at 1. Defendant's motion is dated October 13, 2012, although the motion did not arrive in the Clerk's Office until November 8, 2012. The envelope in which the motion was mailed is not stamped by prison authorities, and the postmark is indecipherable.

On September 14, 2012, the undersigned issued an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), providing thirty-four (34) days for Defendant to file a response to the Government's motion for summary judgment. On October 26, 2012, having received no further communication from Defendant, the court reviewed the Government's motion for summary judgment and the record of this case and granted the Government's dispositive motion. See Opinion and Order, ECF No. 1376 (filed Oct. 26, 2012).

It appears Defendant seeks additional time in which to respond to the Government's summary judgment motion, as she contends she is "waiting on a declaration to support a motion that would set out facts that would be admissible in evidence . . ." Mot. at 1. Out of an abundance of

caution, the court **vacates** the Opinion and Order filed October 26, 2012, vacates the judgment entered by the Clerk on October 26, 2012, and **grants** Defendant's motion for an extension of time to file a response to the Government's summary judgment motion. Defendant shall have until **Friday December 28, 2012**, to file a response to the Government's dispositive motion.

No further extensions shall be granted.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON McGOWAN CURRIE
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
November 13, 2012